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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/604,426 | 07/21/2003 | Tsung-Huei Ren | ALIP0006USA | 1425 |
| 27765 | 7590 | 07/20/2006 | [REDACTED] | EXAMINER |
| NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION | | | LAMB, CHRISTOPHER RAY | |
| P.O. BOX 506 | | | ART UNIT | PAPER NUMBER |
| MERRIFIELD, VA 22116 | | | 2627 | |

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--|-------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/604,426 | REN ET AL. | |
| | Examiner Christopher R. Lamb | Art Unit 2627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 June 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,4-8 and 11-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1, 4-7, and 13-16 is/are allowed.
 6) Claim(s) 8,11 and 12 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8:

In lines 13-15, “wherein the delay signal is formed by a plurality of delay bits received from a plurality of buffers, each buffer connected to a delay cell for receiving a delay bit of the delay signal transmitted from the delay cell,” it appears that “the delay signal” is formed by the buffers, and yet is received by the buffers.

This makes the claim unclear: the same signal (“the delay signal”) cannot be both coming from the buffers and received by them (unless the buffers are in a feedback loop, but that is clearly not the case in the specification).

For the purposes of the rejection which follows, the Examiner has assumed that these are two separate signals: one signal coming out of the buffers, and another signal going into them.

Regarding claims 11-12:

They are dependent on claim 8.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima et al. (US 001/0006500).

Regarding claim 8:

Nakajima discloses a method for burning an optical disc in an optical recording system comprising the following steps:

(a) writing data onto the optical disc according to a write strategy and reading an RF signal from the optical disc (paragraphs 64-65);
(b) processing the RF signal (paragraph 66);
(c) generating delay signals according to the processed RF signal by:
delaying the processed RF signal (Fig. 10: DFF₁₁-DFF₁₅);
outputting a control signal according to a standard clock and the processed RF signal (paragraph 114: the control signal is the enable signal from the counter);
generating a delay signal according to the control signal and the delayed RF signals (paragraph 114: the delay signal is the accumulation value Jr); and

(d) configuring the write strategy according to the delay signals (paragraph 73);

wherein the delay signal is formed by a plurality of delay bits received from a plurality of buffers (Fig. 10: DFF₁₇), each buffer connected to a delay cell (Fig. 10: DFF₁₆) for receiving a delay bit of the delay signal transmitted from the delay cell.

(Fig. 10: DFF₁₇ is a buffer because it holds the delay signal Jr until the next enable from the counter, as described in paragraph 114. Although it is depicted in Fig. 10 as one cell, it is in fact a plurality of cells as detailed in Fig. 4.)

(Fig. 10: DFF₁₆ is a delay cell because it accumulates data until the enable signal allows it to be output to the buffer DFF₁₇.)

Regarding claim 11:

In the method of Nakajima the RF signal is read from a lead-in area of the optical disk (paragraph 5: the test recording is done in a predetermined area. In the standard, that area is the lead-in area).

Regarding claim 12:

In the method of Nakajima the write strategy in step (d) is configured according to the material and manufacturer of the optical disc (paragraph 37: it is fine tuned for each optical disk, so it inherently must adjust for variations in material and manufacturer).

Allowable Subject Matter

5. Claims 1, 4-7, and 13-16 allowed.

See previous Office Action regarding the reasons for allowance.

Response to Arguments

6. Applicant's arguments filed June 21st, 2006 regarding claims 8 and 11-12 have been fully considered but they are not persuasive.

Applicant has argued that the amendment distinguishes the claims above Nakajima, because the buffer cells (which the Examiner used DFF₁₆ as in the previous action) do not receive a delay bit from the delay cells (which the Examiner used DFF₁₇ as in the previous action); Applicant also notes that the Examiner indicated in the previous action that Nakajima fails to teach this limitation.

The Examiner had previously noted this limitation as one that was missing in Nakajima; it was listed as one of the reasons for allowing claim 1, and its lack in claim 8 was highlighted in the response to arguments as one reason why the claim was still rejected.

However, upon reflection, the Examiner has noted that claim 1 recites additional structure not present in claim 1; for example, the delay cells are part of a chain connected in a cascade manner.

Because the claims in question lack this structure, the Examiner has concluded that DFF₁₆ could reasonably be construed as a delay cell because the information accumulated in it is not output until DFF₁₇ is enabled. DFF₁₇ could reasonably be construed as a buffer cell because the information in it is held until it is replaced during the next enable signal. Note that although this interpretation is opposite that of the last Office Action (in which DFF₁₆ was called the "buffer cell" and DFF₁₇ the "delay cell"), it is still valid, since it is a reasonable interpretation and there is nothing in the claim to contradict it.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Lamb whose telephone number is (572) 272-5264. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRL 7/17/06



THANG V. TRAN
PRIMARY EXAMINER